

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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V.

*

CRIMINAL NO. RDB-19-0438

JAMIE CLEMONS

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MEMORANDUM AND ORDER

Currently pending is Defendant's Renewed Motion to Set Conditions of Release ("Motion") (ECF No. 112) and the government's Opposition to Renewed Motion to Set Conditions of Release ("Opposition") (ECF No. 113). The defendant's current motion is, in essence, his sixth motion to set conditions of release. The previous motions were made on: (1) December 11, 2019 (ECF No. 18); (2) March 30, 2020 (ECF Nos. 42, 44); (3) April 8, 2020 (ECF No. 51, appeal of denial); (4) June 3, 2020 (ECF No. 63); and (5) June 17, 2020 (ECF No. 67, appeal of denial). The previous motions were denied in the following orders: (1) December 17, 2019 (ECF No. 21); (2) April 6, 2020 (ECF No. 49); (3) April 9, 2020 (ECF No. 53, memorandum order denying appeal); and (4) June 8, 2020 (ECF No. 66). The undersigned has repeatedly assessed the factors pertinent to the decision of whether release conditions are appropriate in this case, and, in each instance, has determined that detention is appropriate. Like the prior motions, the pending Motion offers no basis for reconsideration of the detention order in this case and, accordingly, the Motion (ECF No. 112) is denied.

A detention hearing was held in this case on September 16, 2019 and the court entered an Order of Detention (ECF No. 9). After both parties were fully heard, the undersigned detailed the reasons for issuing a detention order on the record at the hearing and issued an Order of Detention summarizing those reasons (ECF No. 9). As noted above, the defendant has on several occasions

sought reconsideration of his detention; those requests have been denied. The defendant's second motion, filed on March 30, 2020 was based upon the COVID-19 Pandemic. (ECF Nos. 42, 43 and 44). The undersigned denied that motion, detailing the reasons in a Memorandum and Order dated April 6, 2020. (ECF No. 49). On April 9, 2020, Judge Bennett denied defendant's appeal from that decision. (ECF No. 53). The defendant filed a third request for reconsideration of the detention decision, (ECF No. 63), which the undersigned denied on June 8, 2020. (ECF No. 66).

As noted in the orders denying defendant's previous motions for reconsideration, pursuant to 18 U.S.C. § 3142(f), a detention hearing may be reopened if the "judicial officer finds that information exists that was not known to the movant at the time of the [detention] hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." The only new arguments presented in Defendant's Motion are that: (1) his trial was scheduled for November 30, 2020, but jury trials have been suspended as a result of the COVID-19 virus; (2) his expert witnesses and other witnesses establish the defendant's innocence and that representations made at the detention hearing can be refuted; and 3) his physical and mental health are being compromised by his continued incarceration in light of the ongoing pandemic. (ECF No. 112 at 1-2).

Other than the fact that the defendant's November 30th trial has been postponed, each of these arguments is a slight variation on previous arguments made by the defendant, both at the original detention hearing and in his multiple prior requests for reconsideration. None of those arguments offer any new or additional facts that have a material bearing on the issue of detention. Nor does the delay in defendant's trial date change the court's detention analysis. As detailed in the government's Opposition, there was ample reason to order the defendant's detention (ECF No.

at 2-7) and the defendant's latest arguments do not warrant reconsideration of that decision. (Id. at 8-13). When the court ordered detention based on the defendant's danger to the community, it was only after consideration of all relevant options. Defendant has not presented any information in his latest motion for release that warrants reconsideration of the Order of Detention in accordance with 18 U.S.C. § 3142(f).

Accordingly, Defendant's Renewed Motion to Set Conditions of Release (ECF No. 112) is denied.

Date: 11/23/20

/s/
Beth P. Gesner
Chief United States Magistrate Judge